

CORRECTED FISCAL NOTE

HB 798 - SB 796

October 25, 2007

SUMMARY OF BILL: Revises provisions of the DUI sentencing law to remove the litter pick-up provisions of Chapter 504 of the Public Acts of 2005. As a result, any first time DUI offender would be required to serve a minimum of 48 hours of incarceration with no mandatory litter pick-up. Authorizes a law enforcement officer to immediately confiscate the driver's license from any driver who refuses a blood/alcohol test. Such driver will be issued a 30-day driving permit and will be allowed to pursue a due process administrative review hearing. Requires an ignition interlock device to be installed on each motor vehicle driven by persons convicted of a second DUI offense, all persons who had a blood alcohol content of .15 at the time of a DUI offense, and all persons who refuse to consent to blood alcohol testing by a DUI offender.

ESTIMATED FISCAL IMPACT:

On April 3, 2007, we issued a fiscal note that indicated:

Increase State Revenues - \$1,147,500/FY08
 \$1,559,500/FY09
 \$1,970,500/FY10 and Thereafter
Increase State Expenditures - \$759,000/Recurring
 \$185,000/One-Time

Increase Local Govt. Revenues - \$373,500
Increase Local Govt. Expenditures - \$68,700
Local Govt. Expenditures – Cost Avoidance – Less than \$1,000,000

Based upon further research and additional information, the estimated fiscal impact is:

(CORRECTED)

**Increase State Revenues - \$1,147,500 FY08
 \$1,559,500 FY09
 \$1,970,500 FY10 and Thereafter**
**Increase State Expenditures – \$2,504,300 Recurring /
 Alcohol & Drug Addiction Treatment Fund
 \$759,000 Recurring / General Fund
 \$185,000 One-Time / General Fund**

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Increase Local Govt. Revenues - \$373,500

Increase Local Govt. Expenditures - \$68,700

Local Govt. Expenditures – Cost Avoidance – Less than \$1,000,000

Assumptions:

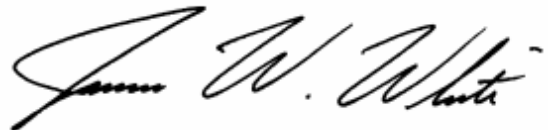
- Effectively eliminates the provisions of Chapter 504 of the Public Acts of 2005.
- To date, most local governments have not implemented the provisions of Chapter 504 of the Public Acts of 2005.
- The estimated cost of Chapter 504 of the Public Acts of 2005 was a net increase in local government expenditures of less than \$1,000,000.
- Approximately 11,000 drivers will have their driver license revoked under the provisions of this bill.
- An increase in state revenues from the collection of various fees. Due to the timing of suspensions, the state will not begin to receive the full amount of fees until the third fiscal year.
- An increase in state expenditures to fund the salary, benefits and operational expenses for twenty positions to implement and execute the provisions of this bill and to hold administrative review hearings.
- An increase in local government revenues of \$68,700 from reimbursements paid by the Department of Safety for local officers to appear at administrative review hearings.
- An increase in local government expenditures of \$68,700 to appear at administrative review hearings.
- Approximately 21,000 persons will be required to have an ignition interlock device installed on their vehicles before being reinstated and receiving a restricted driver license.
- Approximately 15.9% (3,339) will be declared indigent and will not be responsible for paying costs associated with having an interlock device installed on the appropriate motor vehicles.
- The bill specifies that the Alcohol and Drug Addiction Treatment Fund will pay the annual costs of ignition interlock devices for indigent persons (3,339 @ \$750 each).
- Any decrease in revenues from not collecting reinstatement fees and restricted driver license fees from persons choosing not to pay for an ignition interlock devices is estimated to be not significant.
- A one-time increase in state expenditures for computer system changes.
- An increase in state revenues of approximately \$927,000 due to increased sales and use tax collections on purchases of ignition interlock devices.

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- An increase in local government revenues of approximately \$298,000 due to increased sales and use tax collections at an average local government tax rate of 2.25% on purchases of ignition interlock devices.
- The number of open container violations would double from approximately 650 to 1,300.
- An increase in the average fine for violations of open container provisions committed by drivers from \$40 to \$200 as a result of making the offense a Class B misdemeanor. (650 x \$160 average fine increase)
- An average fine for violations of open container provisions by passengers of \$40. (650 x \$40)
- The State receives fines and the clerks receive commission on such fines in accordance with TCA 55-10-303.
- Any increase in state and local government expenditures to enforce the provisions of this bill will be not significant.
- According to TDOT, the provisions of this bill do not meet federal "open container" requirements and would not prevent the transfer of approximately \$15 million in federal funds for FY 07-08 and subsequent years from road construction programs to highway safety programs.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director